

DOMESTIC PERSONAL PROPERTY RATE SOLICITATION D-6

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CHAPTER II - REQUIREMENTS

ITEM 200.

RATE FILING PREREQUISITESa. DOD Approval.

(1) Prior to participation in the interstate and/or intrastate programs, carriers must obtain DOD approval from HQMTMC. Carriers desiring approval should contact the Carrier Qualifications & Performance Branch (MTPP-HQ) of the Deputy Chief of Staff for Passenger & Personal Property, at (703) 428-3279 for approval requirements and instructions.

(2) A carrier not filing rates for three (3) consecutive rate cycles may have its approval withdrawn, thereby precluding participation in future rate cycles. To obtain approval, the carrier whose approval is withdrawn must reapply in accordance with the paragraph above.

b. Letters of Intent (LOIs). Carriers approved by HQMTMC must submit an LOI, containing the information prescribed in MTMC Pamphlet 55-4, to each PPSO where participation in the domestic personal property program is desired. **A valid LOI must be filed with and accepted by the PPSO before rates can be filed with HQMTMC.** In addition, carriers must comply with the requirements listed below:

(1) ***Interstate Program.*** A carrier must have a valid LOI on file at each PPSO where rates are filed on or before the I/F or L/C deadline date. The LOI deadline date for each rate filing will be provided in the rate solicitation letter prior to each filing cycle. LOIs must reflect authority for all states where rates are filed.

(2) ***Intrastate Program.*** A “lapse in service” carrier must have an accepted LOI (supported by a clear explanation of points and places to be served) on file prior to rate submission. A “newly approved” carrier must submit an LOI to the PPSO where participation is desired prior to rate submission. Rates must be filed at least 60 days prior to the end of the filing cycle.

(3) ***Verification.*** An LOI verification may be performed on all rates filed in the I/F. It is the carrier’s responsibility to immediately contact the reporting PPSO if there is an LOI discrepancy or rates are rejected due to a report of an invalid LOI.

(4) The practice of filing rates without valid LOIs is viewed as a violation of its obligation to participate in domestic traffic. Carriers found in violation may be placed in local nonuse under the provision of MTMCR 15-1. Further, repetitive occurrences could result in nationwide nonuse or disqualification under the same regulation.

ITEM 201.

LEGAL REQUIREMENTS

a. Operating Authority. In submitting individual rate records/tenders in response to this rate solicitation, the carrier represents to the Government that service shall be performed in accordance with the rules and regulations of this rate solicitation and the Tender of Service (DOD 4500.34-R, Appendix A, as amended or superceded) filed with HQMTMC. The carrier also acknowledges possession of the required operating authority to transport household goods from, to, or between the places set forth in the carrier’s individual rate records/tenders.

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b. Certification. The carrier certifies that it is authorized to and does hereby offer to the DOD and USCG, hereafter referred to as "Government," the transportation services described in this rate solicitation. All property shipped subject to this rate solicitation and individual rate records/tenders must be shipped by or for the Government on Government bills of lading (GBLs) or commercial bills of lading (CBLs) endorsed to show that such bills of lading are to be exchanged for GBLs at destination or converted to GBLs after delivery to the consignee.

c. Certificate of Independent Pricing. By offering rates for services to the United States Government, the undersigned carrier official certifies the understanding and continued compliance with the previously executed Certification of Independent Pricing, which is incorporated hereto by reference. The executed Certification of Independent Pricing is on file in the carrier's qualification file as an attachment to the carrier's Tender of Service.

d. Termination. Individual rate records/tenders submitted in response to this rate solicitation may be cancelled by the carrier on not less than 30 days notice. Cancellation shall not apply to shipments made (to include shipments booked prior to pickup date) from original point of shipment before the effective date of such notice and except as to any accrued rights and liabilities of either party hereunder. Cancellation may be accomplished upon shorter notice by mutual agreement of the parties concerned.

e. Common Financial or Administrative Control. The carrier shall so indicate whether or not they are under the financial or administrative control of any other household goods carrier or forwarder. The carrier shall attach to their Tender of Service Signature Sheet, a list of household goods carrier(s) or forwarder(s) which are under their financial or administrative control.

f. Payment of Debt. Should HQMTMC be advised that a carrier filing rates under the terms of this solicitation has failed to comply with the terms of an arrangement entered into between the carrier and an agency of the Federal Government pursuant to the Federal Claims Collection Act of 1966 relating to transportation services, HQMTMC may place this carrier in nonuse or disqualification status until such time the carrier is in compliance with the arrangement.

g. Assignment of Bills. Except for assignment of payment of the carrier's original bills to a bank, factor, or other financial institution for collection, the carrier shall not subjugate its rights and/or interest in the bills for service rates and charges on which such charges are based, or any subsequent claims thereon to third parties, unless the subrogation is revocable and under the carrier's control. The carrier shall always retain the right and authority either to claim or not to claim or to cancel claims on services to the military services which their company furnished and/or billed for, and they do not now have, nor shall they enter into, agreements with parties not subject to their control which in any way infringe, controvert, or otherwise subordinate or prevent my company from deciding unilaterally whether it shall, or shall not, submit a claim or file suits against the Government or pay a claim by the Government after the original bill for services performed under this tender has been submitted. Failure to comply with the above certification will make my company or me ineligible to participate in the DOD Personal Property Shipment and Storage Program, and the sole determination in this matter will rest with DOD through HQMTMC.

h. Payment. The carrier shall bill the Government on Standard Form 1113 (Public Voucher for Transportation Charges), appropriately supported, and shall submit said bill to the paying office shown on the PPGBL. Payments for transportation under this tender shall be governed by the Prompt Payment Act, 31 U.S.C. 3901. The U.S. Government shall pay the carrier applicable tender rates and charges due for transportation services rendered 30 days after receipt of the carrier's proper transportation bill (invoice) in accordance with such Act. (For Electronic Data Interchange (EDI) procedures, refer to the billing instructions of the appropriate finance center responsible for payment of the PPGBL.)

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i. Claims for Additional Charges. Claims for additional transportation or additional accessorial charges over and above those originally assessed by the carrier and paid for by the Government shall be presented first to the disbursing office of the military service agency which paid the original bill. The claims shall contain a full explanation as to the reasons why they are being presented and state specifically the amount claimed. Disputes arising out of such undercharge claims or overcharge claims by the Government against the carrier, not otherwise settled to the satisfaction of either party, shall be made the subject of correspondence directly between the carrier and General Services Administration (GSA), or shall be the subject of a discussion between the parties stated above within 60 days after either party makes such a request. The failure of the parties to reach an agreement or eliminate the dispute under the procedure shall in no way preclude either party from subsequently exercising the legal and administrative remedies otherwise available, providing that no suit filed by the carrier shall be prosecuted to trial before exhaustion of the administrative remedies described above.

ITEM 202.

DESCRIPTION OF NEW YORK CITY, NEW YORK AREA

Wherever in this rate solicitation the term "New York City, New York" is used, such area and the rates shown shall include the corporate limits of New York City, New York. The corporate limits of New York City, New York is comprised of the counties of Bronx, Kings, New York, Queens, and Richmond and the boroughs of Bronx, Brooklyn, Manhattan, Queens, and Staten Island.